

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

JOSHUA TRAVIS SMITH,

Plaintiff,

V.

12 CITY OF BELLINGHAM; and BROOKS
13 OWEN LAUGHLIN, former Bellingham Police
Officer,

Defendants.

No.

COMPLAINT FOR DAMAGES UNDER 42
U.S.C. § 1983 AND SUPPLEMENTAL
STATE LAW CLAIMS FOR ASSAULT
AND BATTERY, NEGLIGENCE,
OUTRAGE AND NEGLIGENT
RETENTION

JURY DEMAND

NOW COMES the Plaintiff, and alleges as follows:

I. INTRODUCTION

1.1 Joshua Smith was wrongfully arrested without probable cause by former Officer Brooks Owen Laughlin after he requested to record his encounter with Laughlin. Laughlin then proceeded to assault Mr. Smith, kicking him in the testicles multiple times, driving his head into a wooden fence and gratuitously twisting his middle finger until it cracked. While assaulting Plaintiff, Laughlin removed his body camera and threw it in the grass. The Bellingham Police were looking for Mr. Smith simply because he had assisted his 18-year-old girlfriend in leaving her family's home after she had an argument with her parents - one of whom was a local Whatcom County Deputy Sheriff known to the dispatcher and officers.

1.2 The City of Bellingham maintained a policy and practice of tolerating and covering up the violent and illegal activities of its police officers. Officer Laughlin, now a

convicted felon, had a long history of domestic abuse and violence against citizens, known to the Defendant. Yet the Bellingham Police Department negligently retained Laughlin and others who used excessive force.

1.3 As a result of the Defendants' conduct, Plaintiff suffered severe physical and emotional injuries, lost his job and remains traumatized by the events of June 19, 2017.

II. PARTIES

2.1 Plaintiff Joshua Travis Smith is a 23-year-old citizen of the United States residing with his parents in Bellingham, Washington.

2.2 Defendant Brooks Owen Laughlin was formerly a police officer employed by the City of Bellingham and is believed to be a resident of Whatcom County, Washington. Laughlin currently is an inmate at the Whatcom County Jail. On or about November 13, 2018, Laughlin was found guilty of three counts of second-degree assault, two counts of felony harassment, two counts of violating a no-contact order, one count of felony stalking, and one count of fourth-degree assault. A jury determined that Laughlin's conduct was part of an ongoing pattern of abuse manifested by physical incidents over a prolonged period of time. Laughlin had resigned from duty effective April 20, 2018, after 13 years on the Bellingham Police force where, despite his history of violence, he had been promoted to corporal on January 9, 2018. On December 11, 2018, Laughlin was sentenced to eight (8) years in prison. All of the actions of Laughlin, as described herein, were taken under color of law.

2.3 The City of Bellingham is a municipal corporation and a political subdivision of the State of Washington.

III. JURISDICTION AND VENUE

3.1 This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(3), and 42 U.S.C. § 1983. This Court has supplemental jurisdiction over the Plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

3.2 Venue is appropriate in the Western District of Washington pursuant to 28 U.S.C. § 1391 because all of the Defendants reside in this judicial district and because the events and

1 omissions giving rise to the claims alleged herein occurred within the Western District of
 2 Washington.

3 IV. FACTUAL ALLEGATIONS

4.1 On June 19, 2017, Defendant Laughlin was dispatched to 3300 Plymouth Drive,
 5 Bellingham, Washington. Defendant was informed that "Connie," who resided at the above
 6 address, was trying to keep her 18-year-old daughter Audry from leaving the house with her
 7 boyfriend, Plaintiff Josh Smith. Defendant was further informed by the dispatcher that Audry
 8 was going with Josh willingly and he was "driving correctly." Defendant had received no
 9 information suggesting that Plaintiff was under the influence of either alcohol or drugs. In fact,
 10 he was not.

4.2 Audry's father is a Whatcom County Deputy Sheriff and upon information and
 belief, this fact was known to the Defendant.

4.3 After driving away from Audry's residence with her, Plaintiff pulled his vehicle
 over on the side of Ellis Street, north of Plymouth Drive. Audry, who was upset with her
 parents, had exited the vehicle and was sitting on the sidewalk crying. Plaintiff was trying to
 console her when Defendant pulled up behind Plaintiff's SUV.

4.4 Defendant Laughlin approached Plaintiff and Audry. When he first approached
 Plaintiff, Defendant Laughlin had activated his body cam and was filming and recording the
 encounter.

4.5 Plaintiff asked Defendant whether he could record their encounter. Defendant
 said "No." Plaintiff then told Defendant that Defendant was a "public officer" and that he,
 Plaintiff, had a right to record him.

4.6 Defendant became hostile and belligerent. He told Plaintiff to get his hands out of
 his pockets. Plaintiff immediately complied.

4.7 While Plaintiff's hands were in the air and with no probable cause to believe that
 a crime had been committed, Defendant Laughlin began to assault Plaintiff in an attempt to arrest
 and handcuff him.

1 4.8 At the same time, Defendant removed his body cam so that the encounter could
2 not be filmed.

3 4.9 Plaintiff yelled at Defendant that he was being “overly aggressive,” informing
4 him that his hands had been in the air the entire time.

5 4.10 Defendant then kicked Plaintiff multiple times in the testicles, wrenched
6 Plaintiff’s back, lifted him up and slammed Plaintiff’s head into a wood fence with enough force
7 to break the fence. Defendant, also without provocation, bent Plaintiff’s left middle finger back
8 until Plaintiff heard a “crack” and felt searing pain.

9 4.11 At no time during this encounter did Plaintiff resist arrest or fight Defendant’s
10 efforts to detain him.

11 4.12 At no time during this encounter did Plaintiff obstruct a law enforcement officer.

12 4.13 Plaintiff was wrongfully arrested for Obstructing, Citation #CB98769.

13 4.14 Plaintiff was maliciously prosecuted.

14 4.15 Defendant Laughlin filed a false and perjurious police report regarding the above
15 incident.

16 4.16 On February 26, 2018, all charges against the Plaintiff were dismissed.

17 4.17 As a matter of both policy and practice, the City of Bellingham facilitated the
18 very type of misconduct at issue here by allowing it to continue as a matter of practice with
19 Officer Laughlin’s violent and abusive behavior being tolerated and/or covered-up causing him
20 and any reasonable officer in his circumstance to believe that he could use excessive force on
21 arrestees and members of the public, including his domestic partner, without fear of being
22 disciplined.

23 4.18 Laughlin became the third Bellingham police officer in three years to be arrested
24 for alleged assaultive behavior. Laughlin was arrested on February 10, 2018, and then again on
25 March 27, 2018.

26 4.19 Citizens had spoken to a sheriff’s deputy about issues revolving around Brooks’
27 inappropriate conduct on multiple occasions prior to his arrest and prior to the arrest of Plaintiff.

4.20 Bellingham Police were made aware of Laughlin's violent tendencies in January 2017, after Whatcom County Sheriff's deputies responded to a report of domestic violence involving Laughlin. Everson Police officers also responded to Laughlin's home at least once in the prior year on a report of domestic issues.

4.21 Allegations of misconduct against Officer Laughlin involved multiple Whatcom County law enforcement agencies and, upon information and belief, date back to 2015. Upon information and belief, the Defendant City of Bellingham was on actual or constructive notice of these complaints but took no action to discipline, further train or otherwise prevent Laughlin from continuing to use inappropriate and excessive force.

4.22 In October of 2017, Bellingham Police Officer Sukhdev Singh Dhaliwal was arrested after he and his brother allegedly beat two men, ages 19 and 20, fracturing one's face and making threats to kill them. Former Officer Dhaliwal was found guilty of fourth degree assault on or about September 28, 2018.

4.23 In the fall of 2016, Bellingham Officer Jacob Esparza was fired after he was arrested on domestic violence charges. Esparza pled guilty in June 2017 to one count of harassment with domestic violence.

4.24 The Bellingham Police Department tolerated these repeated instances of criminal violence by its officers, and failed to remedy the culture of violence that has taken root in the Department.

4.25 As a result of the deprivation of the Plaintiff's constitutional rights as set forth herein, Plaintiff has suffered severe physical and emotional injuries.

V. CLAIMS

FIRST CAUSE OF ACTION

(Federal Civil Rights Violation Under 42 U.S.C. § 1983 for Use of Excessive Force)

5.1 The actions of Defendant Laughlin, taken under color of law, as set forth herein, constitute the intentional and/or reckless use of unreasonable, unjustified and excessive force against Plaintiff violating Plaintiff's rights under the Fourth Amendment to the United States

1 Constitution in violation of his civil rights under 42 U.S.C. § 1983, as a direct and proximate
 2 result of which Plaintiff suffered physical injury, severe pain and discomfort, permanent
 3 disfigurement, and mental and emotional distress.

4 **SECOND CAUSE OF ACTION**
 5 **(Monell Claim Against the City of Bellingham)**

6 5.2 The City of Bellingham has maintained a *de facto* policy, practice and custom of
 7 failing to properly supervise, discipline and control its police officers, which was the moving
 8 force behind the violations of Plaintiff's constitutional rights.

9 5.3 Bellingham Police Officers who engaged in acts of excessive force or who
 10 committed acts of domestic violence were not investigated or disciplined, despite the knowledge
 11 that it was necessary to protect citizens from these officers.

12 5.4 As a result of the City's policies, practices and customs, officers such as
 13 Defendant Laughlin were emboldened by their knowledge that they could utilize excessive force
 14 and would not be held accountable for their misconduct.

15 5.6 As a result of this unconstitutional policy, practice and/or custom, the City of
 16 Bellingham is liable to Plaintiff Smith for the damages that he suffered at the hands of Defendant
 17 Laughlin.

18 **THIRD CAUSE OF ACTION**
 19 **(Federal Civil Rights Violation Under 42 U.S.C. § 1983 for**
Arrest without Probable Cause)

20 5.7 The actions of Defendant Laughlin set forth herein constitute an arrest of Plaintiff
 21 without probable cause in violation of Plaintiff's rights under the Fourth Amendment to the
 22 United States Constitution in violation of his civil rights under 42 U.S.C. § 1983, as a direct and
 23 proximate result of which Plaintiff suffered mental and emotional distress.

24 **FOURTH CAUSE OF ACTION**
 25 **(Federal Civil Rights Violation Under 42 U.S.C. § 1983 for Malicious Prosecution)**

26 5.8 The actions of Defendant Laughlin set forth herein constitute a malicious
 27 prosecution of Plaintiff in violation of his rights under the Fourth Amendment to the United

1 States Constitution in violation of his civil rights under 42 U.S.C. § 1983, as a direct and
2 proximate result of which Plaintiff suffered mental and emotional distress.

3 **FIFTH CAUSE OF ACTION**
4 **(State Law Claim of Battery)**

5.8 By virtue of the facts set forth above, the individual Defendant is liable to
6 Plaintiff for compensatory damages for the tort of battery.

7 **SIXTH CAUSE OF ACTION**
8 **(State Law Claim of Negligence)**

9.9 By virtue of the facts set forth above, the individual Defendant is liable to
10 Plaintiff for compensatory damages for the tort of negligence.

11 **SEVENTH CAUSE OF ACTION**
12 **(State Law Claim of Outrage)**

13 5.10 By virtue of the facts set forth above, the individual Defendant is liable to
14 Plaintiff for compensatory damages for the tort of outrage.

15 **EIGHTH CAUSE OF ACTION**
16 **(State Claim of False Arrest)**

17 5.11 By virtue of the facts set forth above, Defendant Laughlin falsely arrested and
18 imprisoned Plaintiff without probable cause. Defendant had no reason to believe that Plaintiff
19 had committed a crime but rather arrested Plaintiff because Plaintiff requested to record his
20 encounter with Laughlin and/or because Plaintiff's girlfriend's father was known to Laughlin to
21 be a law enforcement officer and did not want Plaintiff to be in a relationship with his daughter.

22 **NINTH CAUSE OF ACTION**
23 **(State Claim of Malicious Prosecution)**

24 5.12 By virtue of the facts set forth above, Defendant City of Bellingham maliciously
25 prosecuted Plaintiff. There was no probable cause for the institution or continuation of criminal
26 proceedings. The proceedings were instituted and/or continued through malice. The proceeding
27 was abandoned. Plaintiff suffered injury as a result of the prosecution.

TENTH CAUSE OF ACTION (Respondeat Superior Liability)

5.13 By virtue of the facts set forth above, Defendant City of Bellingham is liable to the Plaintiff under state law for all damages proximately resulting from acts and/or omissions by Defendant Laughlin.

**ELEVENTH CAUSE OF ACTION
AGAINST CITY OF BELLINGHAM
(Negligent Retention)**

5.14 By virtue of the facts set forth above, Defendant City of Bellingham negligently retained Officer Brooks Laughlin as an employee. At the time of the above incident, Laughlin was incompetent or unfit to be a police officer. Defendant City of Bellingham had knowledge of Laughlin's unfitness and/or failed to exercise reasonable care to discover his unfitness. Plaintiff was injured as a proximate result of Laughlin's negligent retention.

VI. JURY DEMAND

6.1 Plaintiff hereby demands a jury trial on all issues triable by jury.

VII. TORT CLAIM

7.1 On September 27, 2018, Plaintiff submitted a tort claim for damages for his injuries to the City of Bellingham and that claim was denied on November 2, 2018.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff requests relief as follows:

A. Compensatory damages;

B. Punitive damages from the individual Defendants on Plaintiffs' claims under 42 § 1983;

C. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988 and to the extent otherwise permitted by law; and

||||

1111

111

1 D. Such other relief as may be just and equitable.
2
3

4 DATED this 18th day of December, 2018.
5

6 MacDONALD HOAGUE & BAYLESS
7
8

9
10 By: /s/ Jeffrey L. Taren
11 Jeffrey L. Taren, WSBA # 50275
12 JeffreyT@mhb.com
13 Attorneys for Plaintiff
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOSHUA TRAVIS SMITH

(b) County of Residence of First Listed Plaintiff Whatcom County, WA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey L. Taren, MacDonald Hoague & Bayless, 705 Second Avenue,
Suite 1500, Seattle, WA 98104 (206) 622-1604

DEFENDANTS

CITY OF BELLINGHAM; and BROOKS OWEN LAUGHLIN

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
---	---	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

VI. CAUSE OF ACTION

Brief description of cause:
Wrongful arrest and use of excessive force under color of law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/18/2018

/s/ Jeffrey L. Taren

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

UNITED STATES DISTRICT COURT
for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: